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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,973	11/30/2000	Brian M. Siegel	SONYNJ 3.0-027	1722
530	7590	04/05/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			LIN, KENNY S	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/726,973	Applicant(s) SIEGEL ET AL.	
	Examiner Kenny Lin	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-18 are presented for examination.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/3/05 has been entered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 7, 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipate by Mitchell et al (hereinafter Mitchell), US 2002/0013850, filed on June 28, 2001 with an earlier effective filing date of June 28, 2000.
5. As per claims 1 and 15, Mitchell taught the invention substantially as claimed a method of personalizing information presented at a host web site comprising:

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- a. Using the host web site for obtaining personal data/collecting identifying data about a user during a visit to the host web site (pp. 0034, 0048-0049; entering registration data);
- b. After the host web site obtains the personal data about the user/collects the identifying data, using the host web site for monitoring the content of information viewed by the user while the user visits other web sites (pp. 0052; application server may then send aggregated transactional assets to personal profile data store; pp. 0055, click-stream data is stored in a personal preferences database, data derived from pages accessed by the network user); and
- c. During a subsequent visit by the user to the host web site, personalizing the information presented to the user, wherein the host web site modifies the content of the information presented to the user based upon the personal data obtained/identifying data collected about the user and the content of the other web sites visited by the user (pp. 0049; repeat network user systems may be automatically recognized and served with the appropriate customized web page; pp. 0050-0055; interactive presentation service creating the web site).

6. As per claim 2, Mitchell taught the invention as claimed in claim 1. Mitchell further taught that wherein the content of the information presented to the user during the subsequent visit to the host web site is related to the personal data obtained from the user (pp. 0052, 0055).

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7. As per claim 7, Mitchell taught the invention as claimed in claim 2. Mitchell further taught to continuously updating the content of the information presented to the user during each subsequent visit to the host web site, wherein the content of the information is updated in response to any changes in the personal data for the user or in the content of the other web sites visited by the user (pp. 0050-0055).

8. As per claim 13, Mitchell taught the invention as claimed in claim 1. Mitchell further taught that wherein the personal data about the user includes any information used to identify the user as a unique individual (pp. 0048-0049).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4-6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al (hereinafter Mitchell), US 2002/0013850, in view of Philyaw et al (hereinafter Philyaw), US 6,836,799, and Netscape Support Document, "Persistent Client State HTTP Cookies" (hereinafter NSD), published in 1999.

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11. As per claims 4 and 16, Mitchell taught the invention substantially as claimed in claims 1 and 15. Mitchell further taught to placing cookie on a hard disk of the user (pp. 0049; cookie is known inherently to be stored in client device). Mitchell further taught to record personal data about the user/information related to the identifying data of the user (pp. 0048-0049). Mitchell did not specifically teach the method to comprise recording the personal data about/information related to the identifying data of the user and the content of the other web sites visited by the user on the cookie. Philyaw taught to record the content of the other web sites visited by the user in a user profile (col.25, lines 26-31, 49-50, col.26, lines 1-4, 39-46) and that the user activity can be stored at the user device (col.26, lines 54-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mitchell and Philyaw because Philyaw's teaching of the storing content of other web sites with user information in user profile enables Mitchell's method to properly update user profile in accordance to contents of the user visited web sites and user interests (col.26, lines 44-54). Mitchell and Philyaw did not specifically teach that the content of the other web sites are stored in the cookie. However, it is obvious to use cookies to store web related profile. NSD taught that cookies are a general mechanism for server to store information on the client side including user profile and preferences (Introduction, Overview). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mitchell, Philyaw and NSD's teaching of the use of cookies to store the user profile and visited web contents as a cookie on a hard disk on the user's workstation.

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12. As per claims 5-6 and 17, Mitchell, Philyaw and NSD taught the invention substantially as claimed in claims 4 and 16. NSD further taught to retrieve from the cookie the personal data of the user and the content of the other web sites visited by the user to the host web site during each subsequent visit to the host web site (Introduction, Overview). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mitchell, Philyaw and NSD's teaching of the use of cookies to store and retrieve the user profile and visited web contents from a cookie.

13. As per claim 18, Mitchell, Philyaw and NSD taught the invention substantially as claimed in claim 17. Philyaw further taught to continuously updating the information recorded (col.26, lines 44-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mitchell and Philyaw because Philyaw's teaching of the storing content of other web sites with user information in user profile enables Mitchell's method to properly and continuously update user profile in accordance to contents of the user visited web sites and user interests (col.26, lines 44-54). Mitchell and Philyaw did not specifically teach that the information is recorded in a cookie. However, it is obvious to use cookies to store web related profile. NSD taught that cookies are a general mechanism for server to store information on the client side including user profile and preferences (Introduction, Overview). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mitchell, Philyaw and NSD's teaching of the use of cookies to store the user profile and visited web contents as a cookie and constantly updating the cookie.

14. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al (hereinafter Mitchell), US 2002/0013850, in view of "Official Notice".

15. As per claims 8-11, Mitchell taught the invention substantially as claimed in claim 1. Mitchell did not specifically teach that wherein the content of the other web sites visited by the user includes the URL addresses of the visited web sites, the length of time spent viewing, any applets that are downloaded or the number of times the user visits each of the other web sites. Official Notice is taken that the limitation narrowed by these claims are considered obvious and furthermore a matter of design choice in obtaining statistics or information. Since applicants have not disclosed that the claimed limitation solve any stated problem or are for any particular purpose, it appears that the invention would perform equally well without the claimed features. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include different statistics tracking or calculation and downloaded applets that is needed to support the web site as part of the content obtained.

16. As per claim 12, Mitchell taught the invention substantially as claimed in claim 1. Mitchell did not specifically teach to comprise presenting the personalized information on a device selected from the group consisting of personal computers, a laptop computer, set top boxes, wireless phones, pagers and personal digital assistants. However, Official Notice is taken that the limitations narrowed by this claim is considered obvious and furthermore a matter of design choice, since applicants have not disclosed that the claimed limitations solve any stated

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problem or are of any particular purpose and it appears that the invention would perform equally well without these claimed features. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to efficiently utilize the claimed method in all types of presenting devices.

17. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al (hereinafter Mitchell), US 2002/0013850, in view of Subramonian et al (hereinafter Subramonian), US 6,701,362.

18. Subramonian was cited in the previous office action.

19. As per claim 3, Mitchell taught the invention substantially as claimed in claim 1. Mitchell did not specifically teach to further comprising obtaining authorization from the user to monitor the other web sites visited by the user. Subramonian taught that the monitoring and collecting step is performed only if it is authorized by the user (col. 11, lines 66-67). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Mitchell and Subramonian because Subramonian's teaching of authorizing prior to collecting and monitoring user activities would prevent Mitchell's method from invading the privacy of the users.

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20. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al (hereinafter Mitchell), US 2002/0013850, in view of Nickerson et al (hereinafter Nickerson), US 6,606,581.

21. Nickerson was cited in the previous office action.

22. As per claim 14, Mitchell taught the invention substantially as claimed in claim 1. Mitchell did not specifically teach wherein the personal data includes the user's name, address, zip code, occupation, phone number, education level, income, marital status, citizenship, home ownership status, age and health. Nickerson taught to include user's name, address, zip code, occupation, phone number, education level, income, marital status, home ownership status, age and other personal information as the personal data (col.15, lines 61-67, col.6, lines 1-8). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Mitchell and Nickerson because Nickerson's teaching of personal data requirement would provide a more detailed personal data collection in Mitchell's method.

### ***Response to Arguments***

23. Applicant's arguments with respect to claims 1 and 15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Liu et al, US 6,839,680.

Anuff et al, US 6,327,628.

Toader et al, US 5,749,075.

Van Horne et al, US 6,460,084.

Tomsen, US 2002/0056109.

Mortl, US 2002/0019828.

Flesner et al, US 2002/0194267.

Definition - cookie, "Microsoft Press Computer Dictionary", 1997, Microsoft Press,

Third Edition, page 119.

25. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

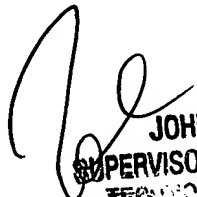
26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl  
March 31, 2005

  
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